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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,394	09/11/2003	Eiji Aida	09868/000M894-US0	6924
7278	7590	12/13/2006	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			HOEL, MATTHEW D	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/660,394	AIDA, EIJI	
	Examiner	Art Unit	
	Matthew D. Hoel	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-8, 13, 17, 18, 20 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-8, 13, 17, 18, 20 and 23-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 6 to 8, 13, 17, 18, 20, and 23 to 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over '122 in view of Todd (UK patent GB 2 350 715 A).

4. As to Claim 6: '122 discloses all of the elements of Claim 6, but lacks specificity as to a plurality of game machines and a shared display module comprising a plurality of display regions. '122 teaches a game machine comprising a display module with a plurality of display regions wherein, when a game starts, a plurality of types of symbols that were statically displayed in the display regions are changingly displayed and the symbols that are changingly displayed are again statically displayed in the display

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regions (slot machine with variable display device comprising a set of reels, Abst., Figs. 7, 8). The game machine of '122 further comprises a recording module recording information about a position of one of the display regions in the display module in which a predetermined symbol is statically displayed, each time the predetermined symbol is statically displayed in one of the regions of the display module, while the symbols are alternately changingly displayed and then statically displayed (winning symbol combination table in ROM 22, Col. 6, Lines 43 to 49). The game machine of '122 comprises an evaluation module evaluating whether a fixed relationship is formed in a position history of the predetermined symbol based on the recorded position information (prize paid out on winning combination in primary game, ST6 and ST8, Fig. 4). '122 teaches a second display module comprising a plurality of display regions arranged in a one-to-one correspondence with the first display module of the game machine and displaying the position history of a predetermined symbol obtained based on information recorded by the game machine on the second display regions corresponding to the first display regions at which the predetermined symbol was statically displayed (Figs. 7 to 10). '715, however, teaches a plurality of gaming machines (Abst.). '715 also teaches a shared display module (Abst., Figs. 1, 2). The game feature may supply a supplementary game (Page 3, Lines 18 to 22). The game feature of the common display may be a similar game to the primary game played on the individual machines (Page 4, Line 9 to Page 5, Line 2). The awards on the common display may be displayed in the same order as the awards in the individual machines (Page 9, Lines 17 to 22). '715 teaches the game machines and the shared display module being

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connected by way of network communications (Figs. 1, 2). It would be obvious to one of ordinary skill in the art to apply the networked common display and plural game machines of '715 to the game machine of '122. '715 is meant to be used with slot machines (Page 6, Lines 1 to 17). The combination would have a plurality of game machines, each of which has the characteristics of the game machine of '122, and a shared display module comprising a plurality of shared display regions arranged in a one-to-one correspondence with the display regions of the display modules of the game machines and displaying the position history of the predetermined symbol based on the position information recorded by the game machines on the shared display regions corresponding to the display regions at which the predetermined symbol was statically displayed. The advantage of this combination would be to enhance players' interest in the game by displaying an enhanced win opportunity similar to the win opportunity in the base game ('715, Abst.).

5. As to Claim 7: '715 teaches a shared display region (Abst., Figs. 1, 2). '122 teaches an prize being awarded if a set of second display regions displays a predetermined symbol position history being positioned on a predetermined alignment line (Fig. 13).

6. As to Claim 8: '715 teaches a shared display region (Abst., Figs. 1, 2). '122 teaches display regions in a display module and shared regions in a second display module being formed as polygons (Figs. 7 to 10). In the preferred embodiment of '122, the variable display comprises mechanical slot reels and the secondary display comprises an LCD (Fig. 3; Col. 4, Lines 35 to 37; Col. 5, Lines 9 to 22). In an

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alternative embodiment, the primary display can be an LCD like the secondary display (Col. 5, Lines 1 to 4). In this alternative embodiment, each of the display regions would be formed as a polygon (like the secondary display, Figs. 7 to 10) and the player would be awarded a prize if the plurality of the display regions displaying at least one type of the symbol in the display module are adjacent to each other and are separated by a polygonal side of the adjacent polygons.

7. As to Claim 13: '122 teaches the player of the game system being awarded a prize if the position history contains the fixed relationship (Figs. 13, 15).

8. As to Claim 17: '122 teaches a method of providing a game system comprising statically displaying a plurality of types of symbols that were changingly displayed on a display module with a plurality of display regions when a game starts. '122 statically displays again the symbols that were changingly displayed in the display regions (Figs. 7 to 10). '715 provides each of a plurality of game machines with a display module (in the embodiment of Fig. 1, a set of slot reels). '122 records information about a symbol of one of the display regions in the display module in which a predetermined symbol is statically displayed, each time the predetermined symbol is statically displayed in one of the displayed regions of the displayed module, while the symbols are alternately changingly displayed and then statically displayed (winning symbol combination table in ROM 22, Col. 6, Lines 43 to 49). '122 evaluates whether a fixed relationship is formed in a position history of the predetermined symbol based on the recorded position information (prize paid out on winning combination in primary game, ST6 and ST8, Fig. 4). '715 teaches connecting the game machines on a shared display module by way of

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network communications (Fig. 2). The combination of '122 and '715 would have a shared display module comprising a plurality of shared display regions arranged in a one-to-one correspondence with the display regions of the display modules of the game machines and displaying a position history of the predetermined symbol obtained based on the position information recorded by the game machines on the shared display regions corresponding to the display regions at which the predetermined symbol was statically displayed, as established in the rejection of Claim 6 ('122, prize paid out on winning combination in primary game, ST6 and ST8, Fig. 4; '715, Abst., Figs. 1, 2, Page 3, Lines 18 to 22, Page 4, Line 9 to Page 5, Line 2, Page 9, Lines 17 to 22).

9. As to Claim 18: '122 awards a prize to the player if the position history contains a fixed relationship (prize paid out on a winning combination in primary game, ST6 and ST8, Fig. 4).

10. As to Claim 20: '122 forms each of the display regions as a polygon, and awards a prize to the player if the plurality of the display regions displaying the predetermined symbol history are adjacent to each other, each of the polygons being separated by a polygonal side of the adjacent polygons (Figs. 7 to 10). In the preferred embodiment of '122, the variable display comprises mechanical slot reels and the secondary display comprises an LCD (Fig. 3; Col. 4, Lines 35 to 37; Col. 5, Lines 9 to 22). In an alternative embodiment, the primary display can be an LCD like the secondary display (Col. 5, Lines 1 to 4). In this alternative embodiment, each of the display regions would be formed as a polygon (like the secondary display, Figs. 7 to 10) and the player would be awarded a prize if the plurality of the display regions displaying at least one type of

the symbol in the display module are adjacent to each other and are separated by a polygonal side of the adjacent polygons.

11. As to Claims 23 and 24: '715 teaches a management device (control unit 23, Fig. 2) connected to the display module (lamps 24 inside unit 20, Fig. 2). The management device is connected to the shared display module and each of the plurality of game machines ('715, Fig. 2). As established in the rejection of Claim 6, the combination of '122 and '715 is able to receive and record the position history of the predetermined symbol sent by each of the game machines through the communications network and to accumulate the position histories of the game machines to obtain an accumulated position history of the predetermined symbol, wherein the management device sends the accumulated position history to the shared display module, and the shared display module displays the predetermined symbol in accordance with the accumulated position history received from the management device ('122, prize paid out on winning combination in primary game, ST6 and ST8, Fig. 4, prize paid out on accumulated symbol histories, Figs. 11, 14, 15, Col. 11, Lines 28 to 52; '715, Abst., Figs. 1, 2, Page 3, Lines 18 to 22, Page 4, Line 9 to Page 5, Line 2, Page 9, Lines 17 to 22).

12. As to Claim 25: '122 teaches a game machine with a module provided with a plurality of display regions and configured to alternate statically and changingly displaying a plurality of types of symbols in the display regions during a game being played (Abst., Figs. 1 and 2). '715 teaches a gaming system comprising a plurality of such gaming machines (Figs. 1 and 2, Abst.). '122 teaches a recording module configured to read information including a position history about in which of the display

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regions of the display module a predetermined symbol was statically displayed while the display module alternates statically and changingly displaying the plurality of types of symbols (Figs. 7 to 13, Claim 1). '715 teaches a shared display device with a plurality of shared display regions arranged in a one-to-one correspondence with the display regions of each of the display modules of the game machines (Figs. 1 and 2, awards marked in same order on shared game display as on game devices, Page 9, Lines 17 to 22). '715 teaches a management device (control unit 23, Fig. 2) connected to the display module (lamps 24 inside unit 20, Fig. 2). The management device is connected to the shared display module and each of the plurality of game machines ('715, Fig. 2). As established in the rejection of Claim 6, the combination of '122 and '715 is able to receive and record the position history of the predetermined symbol sent by each of the game machines through the communications network and to accumulate the position histories of the game machines to obtain an accumulated position history of the predetermined symbol, wherein the management device sends the accumulated position history to the shared display module, and the shared display module displays the predetermined symbol in accordance with the accumulated position history received from the management device ('122, prize paid out on winning combination in primary game, ST6 and ST8, Fig. 4, prize paid out on accumulated symbol histories, Figs. 11, 14, 15, Col. 11, Lines 28 to 52; '715, Abst., Figs. 1, 2, Page 3, Lines 18 to 22, Page 4, Line 9 to Page 5, Line 2, Page 9, Lines 17 to 22).

13. As to Claim 26: '715 teaches a method of providing a game system comprising providing a plurality of game machines each of which includes a display module having

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a plurality of display regions and a shared display device with a plurality of shared display regions (Abst., Figs. 1 and 2). '715 teaches arranging the shared display regions and the display regions of the display modules in a one-to-one correspondence with each other (Page 7, Lines 17 to 22, Fig. 1). '122 teaches alternating static and changing display of a plurality of types of symbols in the display regions of the display module of each of the game machines during a game being played (Abst., Figs. 1 and 2). '122 teaches recording information at a recording module of each of the game machines, the information including a position history about in which of the display regions of the display module a predetermined symbol was statically displayed while the display module alternates statically and changingly displaying the plurality of types of symbols (Figs. 7 to 13, Claim 1). '715 teaches a management device (control unit 23, Fig. 2) connected to the display module (lamps 24 inside unit 20, Fig. 2). The management device is connected to the shared display module and each of the plurality of game machines ('715, Fig. 2). As established in the rejection of Claim 6, the combination of '122 and '715 is able to receive and record the position history of the predetermined symbol sent by each of the game machines through the communications network and to accumulate the position histories of the game machines to obtain an accumulated position history of the predetermined symbol, wherein the management device sends the accumulated position history to the shared display module, and the shared display module displays the predetermined symbol in accordance with the accumulated position history received from the management device ('122, prize paid out on winning combination in primary game, ST6 and ST8, Fig. 4, prize paid out on

accumulated symbol histories, Figs. 11, 14, 15, Col. 11, Lines 28 to 52; '715, Abst., Figs. 1, 2, Page 3, Lines 18 to 22, Page 4, Line 9 to Page 5, Line 2, Page 9, Lines 17 to 22).

### ***Response to Arguments***

14. Applicant's arguments filed Sept. 21<sup>st</sup>, 2006 have been fully considered but they are not persuasive. The applicant describes how Todd discloses an impression of an linked jackpot system in which the gaming machines operate independently of each other ('715, 5:15-21). This does not pertain to the claim language, as the claim language does not cite the machines operating dependently or independently of each other. The shared display of the claim language only shows the accumulated position history of the predetermined symbol on the plurality of gaming machines (Claim 6, for example). Such a system of '715 giving the impression of a linked jackpot system for a multiplicity of independently operating machines is meant for devices like those disclosed in '122, as the '122 device operates independently of a network. The examiner could not find in the specification of '715 where the display unit 20 merely enlarges an image display of the structure 17 of a machine selected from the machines. The shared display unit 20 is an analogue of the local display unit 17 of the gaming machines with the indicators in the same positions and lit in the same order ('715, Page 9, Lines 12 to 22). The combination of '122 and '715 would have a display similar to those of '122 Figs. 7-13 recording the position history of a predetermined symbol on the gaming machines of the network, as established in the rejection of Claim 6. The

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applicant also describes (Page 12, Remarks) how Todd ('715) only allows one machine to cause one of the indicators on the shared display to be lit in the event that the predetermined event happens on more than one machine at the same time; this is accurate but does not pertain to the claim language as the claim language does not require or preclude this. '715 is clearly analogous to '122 because in '715 the shared display is the same as the displays on the local gaming machines with indicators in the same place and lit in the same order as the indicators on the local gaming machines (Figs. 1 and 2, Page 9, Lines 9 to 22), in much the same manner as the secondary display of '122 (Figs. 7 to 13) records the position history of the predetermined symbol as it occurs on the primary display of '122, again the indicators of the two displays having a one-to-one correspondence. The examiner respectfully disagrees with the applicant as to the claims' condition for allowance.

#### ***Citation of Pertinent Prior Art***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Osawa in U.S. patent 6,857,958 B2 discloses a bonus game similar to that of '122. Sugiyama in U.S. patent 6,547,242 B1 discloses a game similar to that of '122. "Scarne's Encyclopedia of Card Games," by John Scarne, © 1973 HarperCollins, Pages 1 to 55, is considered to be relevant.

**Conclusion**

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

17. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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TC3700